

Message

From: Mary Siders [msiders@ndep.nv.gov]
Sent: 10/24/2019 7:51:06 PM
To: Kesler, Karen [Kesler.Karen@epa.gov]
CC: Healey, John [healey.john@epa.gov]; Wilcut, Lars [Wilcut.Lars@epa.gov]; Paul Comba [pcomba@ndep.nv.gov]
Subject: RE: Update on states adopting new selenium criterion?

Karen,

Thanks so much; that's perfect!

Mary

From: Kesler, Karen <Kesler.Karen@epa.gov>
Sent: Thursday, October 24, 2019 12:28 PM
To: Mary Siders <msiders@ndep.nv.gov>
Cc: Healey, John <healey.john@epa.gov>; Wilcut, Lars <Wilcut.Lars@epa.gov>
Subject: RE: Update on states adopting new selenium criterion?

Hi Mary,

So here is the latest on selenium adoptions and a bit of clarification from the last response:

- Kentucky and West Virginia adopted fish tissue criterion before the finalization of the 2016 304(a). They still have 5 ug/L for water column.
- Adopted the 304(a) and approved by EPA:
 - Pueblo of Nambe
 - Commonwealth of the Northern Mariana Islands
 - Confederated Salish and Kootenai Tribes of the Flathead Reservation (only muscle tissue)
 - Idaho
 - Nebraska
- Adopted site-specific Se criterion with fish tissue and water elements:
 - Idaho (approved)
 - MN – Minnesota River (submitted to EPA)
- Proposed
 - CA – proposed by EPA
- In development
 - Indiana
 - Confederated Tribes of the Colville Reservation
 - MT – Lake Koocanusa (site-specific criterion)
 - Shoshone-Bannock Tribes

Hope that helps.

Thanks,
Karen

Karen Kesler, PhD
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From: Mary Siders <msiders@ndep.nv.gov>
Sent: Thursday, October 24, 2019 1:31 PM
To: Kesler, Karen <Kesler.Karen@epa.gov>
Subject: Update on states adopting new selenium criterion?

Hi Karen,

Several months ago (June 6, 2019 to be exact), I sent an email to John Healy, which he then passed along to you. In that email, I asked which states had adopted the 2016 criteria for cadmium and selenium.

Earlier this month (Oct 2), I presented the cadmium petition to our State Environmental Commission, where it was adopted unanimously. Selenium, however, got a bit of a pushback from some stakeholders, so we delayed the petition until the next SEC meeting on December 4.

One question that came up was, "what other states have adopted the 2016 selenium criterion?" I know that EPA approved Idaho's new selenium standards (water and fish tissue) in July 2019, but I cannot find any other states that have a proposal or that have been approved by EPA w/r to the new selenium criterion.

In your response to my June email, you stated that:

*Selenium - 2 states (Kentucky, West Virginia), 1 authorized tribe (Pueblo of Nambe) and 1 territory (Commonwealth of the Northern Mariana Islands) have **adopted some fish tissue criteria elements prior to the release of the 2016 criteria**, but their criteria are based on the old water column value of 5 ug/L. About four other states are "in process" (e.g., have indicated that they intend to submit their standards soon but have not yet been approved).*

So, my question today is, are there any updates to your June statement? We are proposing to adopt both water-column and fish-tissue values.

Thanks!

Mary

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